

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

AMORITA N. THOMAS, on behalf of	)	
herself and all others similarly situated,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 1:08-cv-0667-DFH-DML
	)	
H&R BLOCK EASTERN ENTERPRISES,	)	
INC.,	)	
	)	
Defendant.	)	

ENTRY

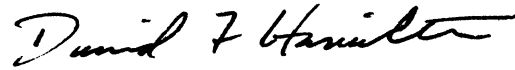
The court granted summary judgment to defendant and entered final judgment on August 28, 2009. On September 14, 2009, plaintiff filed a motion to reconsider. Under the counting rules that applied before December 1, 2009, plaintiff filed her motion on the tenth business day after judgment was entered, so her motion is treated as one under Rule 59(e). See, e.g., *Romo v. Gulf Stream Coach, Inc.*, 250 F.3d 1119, 1121 n.3 (7th Cir. 2001).

A Rule 59(e) motion is not an occasion to present new arguments or evidence. See, e.g., *Caisse Nationale de Credit Agricole v. CBI Industries, Inc.*, 90 F.3d 1264, 1270 (7th Cir. 1996); *Fast Tek Group, LLC v. Plastech Engineered Products, Inc.*, 2006 WL 3409171, at \*6 (S.D. Ind. Nov. 27, 2006). The court believes that it addressed plaintiff's original arguments and evidence adequately

in the original decision. The merits are fairly debatable, but further debate in this court on this issue of Indiana law will not serve any useful purpose. Plaintiff's motion to reconsider is hereby denied.

So ordered.

Date: January 26, 2010



---

DAVID F. HAMILTON, CIRCUIT JUDGE\*

\*sitting by designation

Copies to:

R. Anthony Costello  
HUSCH BLACKWELL SANDERS, LLP  
tony.costello@huschblackwell.com

David D. Robinson  
SCOPELITIS GARVIN LIGHT & HANSON  
drobinson@scopelitis.com,bleive@scopelitis.com

Julianne P. Story  
HUSCH BLACKWELL SANDERS, LLP  
julianne.popperstory@huschblackwell.com,kristine.hoernemann@huschblackwell.com

Ronald E. Weldy  
WELDY & ASSOCIATES  
weldy@weldylaw.com

Paul F. Pautler, Jr.  
HUSCH BLACKWELL SANDERS, LLP  
4801 Main Street  
Suite 1000  
Kansas City, MO 64112